



Law Of The Sea Country Study Supplement

BGI LOS 74-14 SUPP
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File LOS

Peoples Republic of China : Caracas and After

Examination of China's performance at Caracas and after reveals that the assessment of Peking's overall views on LOS and its positions on individual LOS issues set forth in the PRC LOS Country Study (BGI 74-14) remains valid. Peking continues to see the whole affair as a contest between the developed countries, primarily the USSR and the United States, and the developing countries. The former are trying to maintain the status quo, while the developing countries seek to remove all man's activities in the marine environment from what they see as a laissez-faire regime and to place them under a regime of precise rules controlled by individual states, regional groups of states, and an international authority.

A new oceans treaty will add relatively little area and few resources to China's jurisdiction. The country already has a wealth of mineral and petroleum reserves on land, and new petroleum reserves are being proven in its continental shelf, well within China's domain under existing international law. China's coastal fisheries are amply stocked for the country's needs. The only foreign fishing fleets in what can reasonably be called Chinese waters are there with Peking's consent through bilateral agreements.

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China will find a 200-mile coastal state resource zone of limited value. The country's eastern seas are too narrow and the geography of the South China Sea is too complex for simple application of a 200-mile rule. To delimit its outer sea boundaries, China will have to reach agreement with its neighbors -- a practice already recommended by conventional international law. China has no bordering straits that will be affected by broadened territorial seas, and, although the Chinese Navy may in the future begin showing the flag internationally, it will not require greater freedom of navigation than the United States and the USSR are able to extract at the conference.

For China, then, the LOS conference is merely an opportunity to curb the power and influence of the developed countries and to gain for itself some measure of influence and leadership in the Third World. The Chinese made their big move at Geneva in 1973 and at Caracas appeared content to bide their time and said little that was new. Peking can afford to play the waiting game and may try to persuade the developing countries to do the same until their demands are met. To avoid being isolated, however, Peking will join any move by a majority of developing countries to reach accommodations that will produce a treaty.